IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**INCOME TAX APPEAL (LODGING) NO.965 OF 2004**

The Commissioner of Income-tax, Mumbai City -21. ... Appellant

Vs.

Shri Saumil M. Patel. ... Respondent

Mr. R. Ashokan for the appellant.

Mr. Vipul B. Joshi with Mr. Sameer G. Dalal for the respondent.

**CORAM : SMT. RANJANA DESAI &**
**J.P. DEVADHAR, JJ.**

**DATED : 18TH MARCH, 2009.**

**P.C.:-**

1. Admit on the following substantial question of law:

> "Whether on the facts and in the circumstances of the case and in law, the Hon'ble Tribunal was right in deleting the addition made by the assessing officer as capital gains u/s. 45 on account of the surrender of old tenancy rights and acquiring a new tenancy rights in a new building along with compensation in cash of Rs.20,00,000/- and

additional rent compensation of Rs.18,00,000/- as per the assessment order."

2. The appellant to get this appeal numbered within four weeks from today. This appeal to be tagged to Income-tax Appeal No.516 of 2007.

[SMT. RANJANA DESAI, J.]

[J.P. DEVADHAR, J.]